REMARKS

Applicant once more appreciates the indication in the Office Action dated 11 September 2009 (the "Office Action") that claim 11 is directed to allowable subject matter, and further appreciates the Examiner's reopening of prosecution in view of the arguments submitted 10 August 2009. However, Applicant submits that the present rejections of claims 1-9 are also improper, since the combined teachings of Grunsted (US 6,192,123) and Pernu (US 6,978,005) neither anticipate nor suggest the present invention. Accordingly, Applicant respectfully requests reconsideration of the pending claims in view of the comments below.

Claim Rejections – 35 USC § 112

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner appears to be concerned regarding Applicant's comments with respect to the term "telecommunications network," which appears in claim 1. The undersigned apologizes for any confusion caused by those remarks. However, those comments (page 9 of Applicant's response dated 10 August 2009) were directed to the teachings of Grunsted, and were not intended to provide a definition of the term "telecommunications network." The Applicant submits that this term has a clear and distinct meaning for those of ordinary skill in the art, and that claim 1 meets the requirements of Section 112.

In the 10 August 2009 remarks, the Applicant stated that "Grunsted also discloses a telecommunications network, i.e., a public switched telephone network, having a number of associated conventional telephones." This statement was not intended to suggest that the term "telecommunications network" should be equated with the term "public switched telephone

network."[1] Instead, the Applicant was acknowledging that Grunsted disclosed a particular type of telecommunications network, even though Grunsted did not expressly use that term. Applicant's prior comments would likely have been clearer had they instead stated "Grunsted also discloses a telecommunications network (Grunsted's public switched telephone network is a particular type of telecommunications network) that includes a number of associated conventional telephones." Those of ordinary skill in the art will readily appreciate that Grunsted's "public switched telephone network" is a "telecommunications network," but that Grunsted's public switched telephone network does not define the term "telecommunications network." This is obviously the case, as there are several other types of telecommunications network, such as, for example, cellular telephone networks or private switched telephone networks.

Because the term "telecommunications network" has a clear and distinct meaning to those of ordinary skill in the art, its use in claim 1 does not render that claim indefinite under 35 U.S.C. § 112. The Applicant thus respectfully requests that the rejections under 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 USC § 102

Grunsted does not anticipate any of the pending claims.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Grunsted. These rejections are improper for several reasons, as outlined below.

First, the Office Action alleges that Grunsted discloses the claimed "network type terminals," referring to Grunsted's conventional telephones illustrated in Figure 1 (items 140a-

[1] To the extent that the undersigned's previous comments regarding "telecommunications network" were understood to aver that the term "telecommunications network" can be equated to the term "public switched telephone network," the Applicant expressly disavows any such assertion.

140d). The Office Action then alleges that these telephones "rely on functionality in the network to provide for retrieval of data objects." To support this allegation, the Office Action suggests that "an incoming phone call from the user or customer" is a "data object". This is clearly incorrect. One of ordinary skill in the art would clearly understand the term "data object," in light of the present specification, to refer to an information object in digital form, i.e., an information element in numerical form that can be digitally transmitted and processed. Indeed, the entire specification is directed to the problem of migrating the data handling abilities of data communication networks to voice networks. Thus, one of ordinary skill in the art would not understand "an incoming voice call," in the context of Grunsted's conventional telephones operating in a conventional public switched telephone network, to be a "data object", as recited in the present claims.

Because an incoming voice call is not a data object, and because Grunsted does not disclose that its conventional telephones 140a-140d "rely on functionality in the network to provide for retrieval of data objects," as recited in claim 1, Grunsted clearly does not disclose the recited network-type terminals. The rejection of claim 1 (and its dependent claims 2-9) is improper for at least this reason, and should be withdrawn.

Second, the rejection of claim 1 is also improper because Grunsted fails to disclose the recited autonomous type terminals, which, according to the terms of claim 1, are operating in a telecommunications network. Grunsted's computers 110a-110d clearly are not operating in a telecommunications network. Rather, they are operating in a data communications network, that is, Grunsted's "Internet 120."

Third, Grunsted does not disclose associating each of the first and second subscribers with the corresponding type of terminal. The Office Action's several citations to Grunsted provide no support for the Office Action's assertion that this feature is disclosed therein. The first citation, to Grunsted's col. 4, lines 2-4, is to a sentence that simply states that Grunsted's

"Internet users on computers 110 transmit service requests over the Internet to system 130 that in turn processes the requests accordingly." Likewise, the second citation, to col. 5, lines 29-62, is to a more detailed description of a transaction in which a user operates a web browser to submit a "Call Me" request to a server, and receives a web page in response. The cited section further describes a sequence of events in which the web server retrieves account information for the user, and signals a telephone switch to call the user via the user's separate telephone equipment. None of this appears to have anything to do with the claimed "associating each of the first and second subscribers with the corresponding type of terminal." The remaining citations are of no further help in supporting the Office Action's finding.

In the remarks on page 2 of the Office Action, the Examiner appears to suggest that Grunsted's computers are associated with first subscribers ("i.e. a user or customer ...") and that Grusnted's conventional telephones are associated with a second subscriber ("i.e. company or customer service representative ..."). However, the claim recites an express step of associating each of the recited first and second subscribers with a corresponding type of terminal. In the claimed invention, this association is necessary so that data object retrieval can be selectively provided only to subscribers associated with network type terminals. No such association takes place in Grunsted, and no such association is necessary. Accordingly, all of the pending rejections are improper for at least this additional reason.

Finally, Grunsted does not disclose "selectively providing data object retrieval only to subscribers associated with network type terminals," as claimed. As discussed above, Grunsted's conventional telephones are not "network type terminals" as defined expressly in the claim, since Grunsted's telephones are unable to retrieve data objects at all. Thus, it makes no sense to assert that Grunsted teaches "selectively provides data object retrieval only to subscribers associated with network type terminals."

The combination of Grunsted with Pernu does not cure Grunsted's omissions. As discussed above, Grunsted fails to disclose numerous features of claim 1. The addition of the teachings of Pernu does not render any of the pending claims obvious. At best, Pernu teaches that Grunsted's conventional telephones may be replaced with ISDN telephones that are capable of receiving telephone book information autonomously. However, this does nothing to correct the fact that neither Grunsted nor Pernu, alone or in combination, discloses or suggests a process in which subscribers are associated with a terminal type corresponding to the type of terminal that they have and in which data object retrieval is provided selectively only to subscribers associated with network type terminals.

The rejections of several dependent claims are improper for additional reasons. As a group, the dependent claim rejections are improper for the reasons given above. However, features specific to several of the dependent claims are also absent from Grunsted (as well as from Pernu), and are neither anticipated by nor rendered obvious by Grunsted, alone or in combination with any other reference of record. The rejections of these dependent claims should be withdrawn for these additional reasons.

For instance, claim 2 recites "associating a terminal capability with at least one of the second subscribers," and "providing data retrieval in view of the associated terminal capabilities." This feature is distinct from the "associating each of the first and second subscribers with the corresponding type of terminal" of claim 1. As the specification explains, some terminals may be capable of displaying graphics while others may be text only, for example. (Specification, p. 13, lines 13-18.) Thus, the data object retrieval is provided in view of those capabilities, e.g., a data object may need to be adapted to match the capabilities. Grunsted does not disclose or suggest this feature. In particular, Grunsted does not disclose that a particular terminal capability is associated with a subscriber.

Claim 3 recites "determining whether a subscriber involved in a first communication event belongs to a second network and, if the subscriber belongs to the second network, then selectively letting the second network provide data object retrieval to the subscriber based on whether the second network provides data object retrieval for network type terminals." This feature is not disclosed or suggested by Grunsted, and the Office Action's citations are of no avail. Neither reference discloses such a technique. In particular, Grunsted does not disclose or suggest such a "determining" step, and does not disclose or suggest a process in which a decision to selectively let a second network provide data object retrieval is based on whether the second network provides data object retrieval for network type terminals." Grunsted's server does not make the determination recited in the claim, and does not selectively let a separate network provide data object retrieval based on a determination of whether such network provides data object retrieval for network type terminals. A similar analysis applies to claim 4, which is also improperly rejected.

Conclusion

For the reasons given above, the rejections of claims 1-9 are improper and should be withdrawn. Reconsideration of the present application and allowance of the claims is thus respectfully requested.

Respectfully submitted,

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